

**REMARKS**

With entry of this amendment, Claims 1 and 3-19 are pending. Claims 15 and 18 have been amended. No new matter has been added by these amendments. Applicant understands that Claims 1, 3-14 and 19 are allowed.

**35 U.S.C. §112, second paragraph**

Claims 16-18 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action states that it is unclear as to "whether the [A]pplicant intends to claim the appliance as a part of the invention."

Applicant has amended Claim 15 to indicate that the appliance is claimed as part of the invention. Claims 16-18 depend from Claim 15. The Examiner is requested to withdraw this rejection.

**Claim Objections**

Claim 18 was objected to for informalities. Applicant has amended Claim 18 to state "wherein the appliance is a wound drain." The Examiner is requested to withdraw this objection.

**Obviousness-Type Double Patenting**

Claim 15 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6,097,549. Applicant traverses this rejection.

Applicant has amended Claim 15 to include the incorporation into an appliance in the claim and not merely in the preamble. "An appliance" is therefore now a limitation and the claim depends on the limitation for completeness. Applicant asserts that Claim

15, as amended, is not obvious over Claim 1 of U.S. Patent No. 6,097,549. The Examiner is requested to withdraw this rejection.

Applicant respectfully submits that this is a complete response to the Office Action dated January 2, 2003 and that Claims 1 and 3-19 are patentable. Early and favorable consideration is earnestly solicited. If the Examiner believes there are other issues that can be resolved by telephone interview, or that there are any informalities remaining in the application which may be corrected by Examiner's Amendment, a telephone call to the undersigned attorney at (404) 815-6500 is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mary Anthony Merchant', is written over the typed name.

Mary Anthony Merchant, Ph.D.  
Reg. No. 39,771

KILPATRICK STOCKTON, LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, GA 30309-4530  
Phone: (404) 815-6500  
Fax: (404) 815-6555  
Attorney Docket: 06772-0110 (43321-221207)